

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In re:)	
)	Case No. 15-28951-svk
DENISE E. MCCASKILL,)	Chapter 13
)	
Debtor.)	

NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN

Denise McCaskill has filed papers with the court requesting modification of the Chapter 13 Plan in the above case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to modify the plan as proposed, or if you want the court to consider your views on the request, then on or before 21 days after service of this notice, you or your attorney must:

File with the court a written request for hearing which shall contain a short and plain statement of the factual and legal basis for the objection. File your written request at:

Clerk of Bankruptcy Court
517 E. Wisconsin Avenue, Room 126
Milwaukee, WI 53202-4581

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Nathan E. DeLadurantey
DeLadurantey Law Office, LLC
735 W. Wisconsin Avenue, Suite 720
Milwaukee, WI 53233

If you or your attorney does not take these steps, the court may decide that you do not oppose the request and may enter an order modifying the Plan.

REQUEST TO MODIFY CHAPTER 13 PLAN

1. The Proponent of this modification is:
 - A. X the Debtor;
 - B. the Chapter 13 Trustee (post-confirmation modifications only);
 - C. the holder of an unsecured claim (Name:) (post-confirmation only).
2. This is a request to modify a Chapter 13 Plan (Select A. or B.):
 - A. post-confirmation;
 - B. X pre-confirmation (Select i. or ii.);
 - i. Debtor(s)/Debtor(s) attorney certifies that the proposed modification does not materially adversely affect creditors (L.R. 3015(b)); or
 - ii. X Debtor(s)/Debtor(s) attorney certifies that the proposed modification materially adversely affects only the following creditors and a copy of the proposed modification has been served on them (Local Bankruptcy Rule 3015(b)). The creditors affected are: Kunes Country Chevy Cadillac and GM Financial.
3. The Proponent wishes to modify the Chapter 13 Plan to do the following: Correct the lien holder on the debtor's 2011 Buick Regal. Provide for the payment of secured claim filed by Great American Finance Company.
4. The reason(s) for the modification is/are:
5. Select A. or B.
 - A. The Chapter 13 Plan confirmed or last modified on _ is modified as follows:
 - B. X The unconfirmed Chapter 13 Plan dated August 4, 2015, is modified as follows:

See below.

6. Secured Claims. The holder of a secured claim shall retain the lien securing such claim until the earlier of the payment of the underlying debt determined under non-bankruptcy law or discharge under Section 1328. The value, as of the effective date of the plan, of property to be distributed under the plan on account of such claim is not less than the allowed amount of the claim.

(A). Claims Secured by Personal Property.

☐ If checked, The Debtor does not have claims secured by personal property which debtor intends to retain. Skip to 6(B).

☒ If checked, The Debtor has claims secured by personal property which debtor intends to retain.

(i). **Adequate protection payments.** Creditor must file a proof of claim to receive adequate protection payments. Upon confirmation the treatment of secured claims will be governed by Paragraph (ii) below. The Trustee shall make the following monthly adequate protection payments to creditors pursuant to 1326(a)(1)(C):

(a) Creditor	(b) Collateral	€ Monthly Adequate protection payment amount
Kunes Country Chevy Cadillac or its assignee (believed to be GM Financial of Wisconsin)	2011 Buick Regal average condition, in debtor's possession	\$75.00
Great American Finance Company	Sofa	\$15.00
	Total monthly adequate protection payments:	\$90.00

(ii). **Post confirmation payments.** Post-confirmation payments to creditors holding claims secured by personal property shall be paid as set forth in subparagraphs (a) and (b).

(a). Secured Claims – Full Payment of Debt Required.

☐ If checked, the Debtor has no secured claims which require full payment of the underlying debt. Skip to (b).

☒ If checked, the Debtor has secured claims which require full payment of the underlying debt. Claims listed in this subsection consist of debts (1) secured by a purchase money security interest in a vehicle; (2) which debt was incurred within 910 days of filing the bankruptcy petition; and (3) which vehicle is for the personal use of the debtor; **OR**, if the collateral for the debt is any other thing of value, the debt was incurred within 1 year of filing. See 1325(a)(5). After confirmation the Trustee will pay the monthly payment in column (f).

(a) Creditor	(b) Collateral	€ Purchase Date	(d) Claim Amount	€ Interest Rate	(f) Estimated Monthly Payment	(g) Estimated Total Paid Through Plan
Kunes Country Chevy Cadillac or its assignee (believed to be GM Financial of Wisconsin)	2011 Buick Regal,	7/2015	\$17,500.00	%5.00	%pro-rata	\$20,188.87
Great American Finance Company	Sofa	12/31/2014	809.93	%5.00	%pro-rata	\$916.80

All remaining terms and provisions of the Plan are unaffected unless specifically addressed herein. In the event of a conflict between the original Plan and the modification set forth above, the latter shall supersede and control.

6. BY SIGNING BELOW THE PROPONENT OF THE MODIFICATION CERTIFIES THAT, AFTER REVIEW OF THE MODIFICATION AND ALL OTHER TERMS AND PROVISIONS OF THE PLAN, THOSE REMAINING TERMS AND PROVISIONS OF THE PLAN ARE CONSISTENT WITH THE PROPOSED MODIFICATIONS.

CERTIFICATION

I, Nathan E. DeLadurantey, attorney for debtor, Denise McCaskill, certify that I have reviewed the modification proposed above with the debtor, and that the debtor has authorized me to file it with the court.

/s/ Nathan E. DeLadurantey

Counsel for the debtors

October 8, 2015

Date

WHEREFORE, the Proponent requests that the court approve the modification to the Chapter 13 Plan as stated herein.

Dated: October 8, 2015.

DeLadurantey Law Office, LLC
Attorneys for Debtor

/s/

By: Nathan E. DeLadurantey
State Bar No. 1063937

Drafted by:
Daniel T. Beasley
SBN 1092029
735 W Wisconsin Ave., Suite 720
Milwaukee, WI 53233
(414) 377-0515; Fax (414) 755-0860
dan@delaw-law.com

A copy of the foregoing was filed electronically on October 8, 2015, with:

Clerk, U.S. Bankruptcy Court
517 East Wisconsin Avenue
Milwaukee, WI 53202

Copies of the foregoing were mailed, or sent electronically if the party named accepts electronic service, on October 8, 2015, to the following parties:

Office of the U.S. Trustee
517 East Wisconsin Avenue, #430
Milwaukee, WI 53202

Rebecca R. Garcia
PO Box 3170
Oshkosh, WI 54903-3170

GM Financial of Wisconsin
PO Box 1510
Cockeysville, MD 21030
Via first class mail with copy of original plan

Kunes Country Chevy Cadillac
1231 E Geneva St.
Delavan, WI 53115
Via first class mail with copy of original plan

/s/Ethan Webb, legal assistant